Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,

           Plaintiff,

    v.

ANA MARI CAUCE, et al.,

           Defendants.

Case No. 2:22-cv-00964-JHC

DECLARATION OF DANIEL GROSSMAN RE: DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

1   I, Daniel Grossman, declare as follows:

2   1.   I am over the age of 18 and competent to testify.

3   2.   This Declaration is in connection with Defendants Ana Mari Cauce, Magdalena

4 Balazinska, Daniel Grossman, and Nancy Allbritton's Motion for Summary Judgment in the

5 above-captioned matter.

6   3.   I am the Vice Director of the Paul G. Allen School of Computer Science and

7 Engineering at the University of Washington, and a professor within the School. I am one of the

8 named Defendants in this lawsuit.

9   4.   In early fall 2018, I developed the idea that the Allen School's Diversity

10 Committee could create a document detailing best practices for inclusive teaching. I started an

11 initial draft before handing the project over to the Diversity Committee, which includes both

12 student and faculty members. A copy of the "Best Practices for Inclusive Teaching" document,

13 updated as of September 2020, is attached as **Exhibit 1**. The practices recommended by the

14 document are just that: recommendations. The Allen School does not mandate including, for

15 example, a land acknowledgment statement in course syllabi.

16   5.   I do not include a land acknowledgment statement in the syllabi for courses I

17 teach.

18   6.   During the Winter and Spring 2022 quarters, I worked with Allen School Director

19 Magda Balazinska to create alternative sections of Professor Stuart Reges's introductory-level

20 courses taught by another professor to accommodate any students who did not wish to take the

21 courses with Professor Reges.

22   7.   Attached as **Exhibit 2** is a copy of a January 9, 2022 email thread including me,

23 Director Balazinska, and staff within the Allen School.

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GROSSMAN DECL. RE: DEFENDANTS'   1
MOTION FOR SUMMARY JUDGMENT
Case No. 2:22-cv-00964-JHC

1   I declare under penalty of perjury under the laws of the United States that the foregoing is

2   true and correct.

3   Signed this 18th day of December, 2023 at Seattle, Washington.

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8   Daniel Grossman

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GROSSMAN DECL. RE: DEFENDANTS'   2   Orrick Herrington & Sutcliffe LLP
MOTION FOR SUMMARY JUDGMENT   701 5th Avenue, Suite 5600
Case No. 2:22-cv-00964-JHC   Seattle, Washington 98104-7097
                                                                       tel+1-206-839-4300

EXHIBIT 1

Last updated: September 2020

These are *best practices* worth considering as you prepare and deliver your course, so that your teaching is as effective as possible for all types of students. They have been compiled and reviewed by the Allen School Diversity Committee with input from others, including significant contributions from the Allen School Student Advisory Council.

This document should be revisited and updated over time. Send thoughts to diversity@cs.uw.edu. These ideas are designed to help you be a more effective teacher and better role model for more of your students; they are not prescriptions. Some are acquired skills where improvement, not perfection, is the goal.

This list is focused toward undergraduate courses, though many items apply more broadly.

Course planning and management:
- The following can make a course syllabus more inclusive:
  - A statement that your class welcomes all students of all backgrounds
    - An example statement: This course welcomes all students of all backgrounds. The computer science and computer engineering industries have significant lack of diversity. This is due to a lack of sufficient past efforts by the field toward even greater diversity, equity, and inclusion. The Allen School seeks to create a more diverse, inclusive, and equitable environment for our community and our field. You should expect and demand to be treated by your classmates and the course staff with respect. If any incident occurs that challenges this commitment to a supportive, diverse, inclusive, and equitable environment, please let the instructor know so the issue can be addressed.
  - A statement requiring mutual respect among students and staff
  - A statement about accommodating students' needs and pointing to DRS for disability accomodations
    - An example statement: Embedded in the core values of the University of Washington is a commitment to ensuring access to a quality higher education experience for a diverse student population. Disability Resources for Students (DRS) recognizes disability as an aspect of

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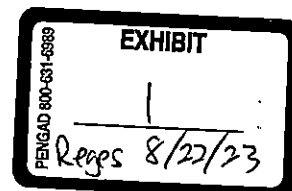
diversity that is integral to society and to our campus community. DRS serves as a partner in fostering an inclusive and equitable environment for all University of Washington students. The DRS office is in 011 Mary Gates Hall.
Please see the UW resources at http://depts.washington.edu/uwdrs/current-students/accommodations/.

- A statement about accommodating students' religions.
    - See the *required* syllabi language from https://registrar.washington.edu/staffandfaculty/syllabi-guidelines/
- A sexual harassment statement, text to use follows:
    - University policy prohibits all forms of sexual harassment. If you feel you have been a victim of sexual harassment or if you feel you have been discriminated against, you may speak with your instructor, teaching assistant, the chair of the department, or you can file a complaint with the UW Ombudsman's Office for Sexual Harassment. Their office is located at 339 HUB, (206)543-6028. There is a second office, the University Complaint Investigation and Resolution Office, who also investigate complaints. The UCIRO is located at 22 Gerberding Hall.
    Please see additional resources at http://www.washington.edu/about/ombudsman/role.html and http://f2.washington.edu/treasury/riskmgmt/UCIRO.
- A list of resources students can access (such as this for CSE majors or this for all students)
- An Indigenous Land Acknowledgement.
    - An example statement: The University of Washington acknowledges the Coast Salish peoples of this land, the land which touches the shared waters of all tribes and bands within the Suquamish, Tulalip and Muckleshoot nations.
- Be clear that you are open to feedback throughout the quarter, and provide a means of feedback for students to voice concerns. Let students and TAs know that they can also submit feedback through the Allen School's anonymous feedback tool.
- Create accessible slides.
- For group projects, provide procedures for pairing/grouping students. This is especially helpful for students who are newer to the program (such as new transfer

students starting at the UW as juniors and CSE majors), or who are simply not comfortable asking others to partner.

- Consider religious holidays when planning major course activities. This can include noting holidays when students may be fasting, such as during Ramadan, and adjusting exam times or allowing alternate times.
- Encourage your TAs to participate in the Allen School's Inclusive Community Workshop.
- Use gender-neutral names in examples: instead of Alice and Bob, try Alex and Jun. Consider names that reflect a variety of cultural backgrounds: Xin, Sergey, Naveena, Tuan, Esteban, Sasha ...
- Be thoughtful when writing examples and questions:
  - Avoid relying on cultural knowledge that may be unfamiliar to people from different backgrounds, ages, etc, such as knowledge regarding particular sports, pop culture, theater, literature, or games.
  - Note that topics/scenarios are troubling to different people for reasons you don't personally experience. A couple assumptions to avoid: that gendered "pairs" should match men with women; that dieting and weight-loss are always good (problematic for the many college students with eating disorders). If a student lets you know that a reference bothers them, respect their feelings even if you don't fully understand their reasoning.
- Be mindful of when you schedule office hours, as students' personal obligations may prevent them from staying late on campus. Many students have financial needs and family obligations that require substantial time for working, commuting, or in other commitments.
- If feasible for yourself or your TAs, offer two hours of office hours per week to allow students more flexibility in attending.
- Utilize policies that allow all students extra flexibility. For example, instead of requiring a doctor's note to excuse a missed assignment or quiz, allow a fixed number of no-penalty late days, or drop the lowest score across all quizzes. Students have complex and unpredictable lives outside of school, and many are not comfortable asking for special exceptions. Providing flexibility to all students ensures consistency.
- Provide a mid-quarter evaluation, instead of just the end, so you can identify areas to improve while the course is still in progress.
- Add a page to your class website with common problems students run into on assignments or in the class, and tips for working through them.

- Allow participation outside of class discussions, such as online or via questions submitted digitally during lecture. Students may be uncomfortable speaking in class due to language skill, stuttering, disabilities, shyness, or anxiety.
- Do not rely on computing knowledge not covered in pre-requisites; or, where necessary, provide resources for students who many not have such knowledge.

Instruction and interpersonal communication:

- In office hours, when a student asks a question, ask questions to gauge their baseline knowledge. Then fill in the gaps, and then answer their original question. This helps avoid assuming what students do and don't know.
- Be understanding of students who do not grasp the content quickly. Many people do not have much CS background other than what is taught in classes, individuals pick things up at different speeds, and some may require multiple explanations.
- Remember that some students are shy or anxious, and consider proactively reaching out to students who you see are having trouble.
- Avoid phrases that suggest something is simple and obvious, as it can alienate students with less background or who are struggling. Examples include "of course," "obviously," "you probably already know," "it's easy," etc.
- Remember that many students are not native English speakers. Someone's comfort speaking in English does not indicate their intelligence or qualifications.
- Do not make any comments that traffic in stereotypes of any sort, such as with regard to gender, race, nationality, or sexual orientation.
- Avoid gender assumptions and terms. Avoid only using "he" in examples. Try replacing "you guys" with "folks," "everyone," or "ya'll." Try saying "all genders" instead of "men and women."
- Say your own pronouns and ask for pronouns when possible (in class and at office hours). This helps us avoid assuming gender, especially useful for trans* or non-binary students.
- Be considerate of challenges you can't see, such as neurodiversity, mental health issues, and "hidden" disabilities like chronic illnesses. These impact many students, but are often invisible or manifest in ways that are easy to misinterpret.
  - Neurodiverse students, like those with autism, may use atypical communication styles or habits. Avoid judging individuals for body language or mannerisms, and avoid disparaging stereotypes about "socially awkward" computer scientists.

- Avoid slang that references mental health issues, such as "crazy," "depressing," or "makes me want to kill myself." These can be painful references to people dealing with mental health issues.
- In classroom discussions or when fielding questions, give time and space for quieter participants to have their voices heard. There are lots of strategies for this:
  - 5 Ways to Encourage Participation from All Students
  - How to Encourage Student Participation
- Particularly in office hours, remember many students are intimidated by TAs and instructors just by virtue of your position, even if you think you cannot possibly be intimidating.
- Be mindful that many students, like many people, are constantly absorbing indirect signals and processing whether they "fit in." Model welcoming behavior by showing patience, speaking to everyone in an equally friendly manner, encouraging people (especially when they seem to show self-doubt), and normalizing struggles.
- Remember that our students pursue a range of careers. While most become software developers and many join large companies, keep a broad view of the opportunities our students pursue, especially when you discuss how coursework may apply to their future work.
- Encourage further opportunities for students who do well in your class or who could benefit from more engagement in CS: Invite them to work on research, be a TA, take a more advanced class, talk with you about graduate school, or simply send a nice note to say they're doing well or to thank them for their contributions in class. Encouragement is great for all students, but can be particularly meaningful for student who doubt their place in tech.

Instructions for When Receiving a Disability Resources for Students Notification Letter

- Per the recommendation of the DRS Classroom Services Manager, Dominic Evans, we advise the following procedure. This procedure aims to reduce the administrative costs on professors and course staff, while simultaneously providing equitable testing conditions for students with disabilities.
  - When the Faculty Notification Letter form is sent out, the instructor should designate one TA as an alternate contact so the TA may have access to DRS students' information for the course. This TA, known as the DRS liaison, will be the facilitator between the DRS students and the course staff.
    - A TA may also be added as an alternative contact by emailing Dominic Evans (devans13@uw.edu) with the following information: course

number and title, TA UW NetID, and TA email address. The instructor may send the email or must be CC'd otherwise in the TA's email.

- For each exam in the course, it is recommended that the instructor should ensure that students taking exams through the DRS have a shorter period (e.g. 2 days) to schedule exams. This will help facilitate scheduling TAs to be present during the exam.
- Two weeks (i.e. 10 business days) prior to each scheduled exam, the DRS liaison will email Dominic Evans (devans13@uw.edu) requesting the students scheduled exam times.
- The DRS liaison will facilitate scheduling TAs according to the scheduled exams. TAs should ideally be present for the entire testing session, and certainly no less than half an hour (longer if suggested by DRS). This will allow students to have time to have clarifying questions answered.

- Instructors may want to consider briefing TAs in how questions should be answered for students. If the instructor wishes to answer questions themselves, the TA could have the instructor's cell phone number.

Notes:

- Improving inclusiveness for all students is ongoing work. This means accepting input from others, updating our practices, and acknowledging when we make mistakes. We all say and do things that impact people in ways we don't intend. Just remember to take responsibility and apologize as needed.
- The UW offers many resources to support you and your students in creating a supportive, productive educational experience:
  - Summary of Diversity & Inclusion resources for Allen School students
  - AccessComputing and DO-IT for students with disabilities
  - Universal Course Design tips
  - The Allen School Inclusiveness Statement
  - The diversity-allies email list is used to share resources and info
  - The Office of Educational Assessment offers tools to make courses inclusive, such as help proctoring make-up exams and building student surveys
  - The Center for Engineering Learning & Teaching and the Center for Evaluation and Research for STEM Equity both research and evaluate instructional efficacy

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More resources:

- CS Teaching Tips from professor Colleen Lewis at Harvey Mudd College
- Inclusive Classroom Best Practices from Cynthia Lee at Stanford
- Repository of engagement practices and activities from EngageCSedu:
  - https://www.engage-csedu.org/
  - https://www.engage-csedu.org/engagement/make-it-matter
- Teaching strategies for teaching students with disabilities (NCWIT)
- Inclusive Teaching in CS guidelines from Stanford
- NCWIT's tips for Interrupting Bias In Academic Settings
- NCWIT article on Broadening Participation by Supporting Great Teaching, from ACM Inroads
- Overview of research and case studies on increasing retention with inclusive pedagogy
- Allen School Inclusive Community Workshop

Contact the Diversity Committee about this document: diversity@cs.uw.edu.

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EXHIBIT 2

Message
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From: Magdalena Balazinska [magda@cs.washington.edu]
Sent: 1/9/2022 11:00:37 PM
To: Dan Grossman [djg@cs.washington.edu]
CC: Crystal Eney [ceney@cs.washington.edu]; Chloe Dolese Mandeville [cdolese@cs.washington.edu]; Jenifer Hiigli [jenifer@cs.washington.edu]
Subject: Re: [143a] [CSE 143] 143 honors section

If (2) is possible, that might be the simplest option. If (2) is not possible, we could ask someone to run an additional offering of the seminar. Alternatively, could we let honors students take a CSE590 instead and still count toward honors credit? How can we confirm if (2) is possible?

thanks
magda

On Sun, Jan 9, 2022 at 2:56 PM Dan Grossman <djg@cs.washington.edu> wrote:

Genuine thanks for the heads up -- this is news to me, though he has chosen provocative similarish books in the past that at least had /some/ connection if I recall correctly to university life or something. So I'm not surprised.

Here's what I think is going to end up happening:

1. We don't intervene here.

2. Under the new principle of "nobody should be forced to take a class from Stuart" given his offensive syllabus incident, students in the honors program who were taking 143 for honors credit will be allowed to delay their honors seminar to next quarter when someone else is leading it. This is the call of the honors college, though I'd anticipate it and recommend it. They don't have to delay taking 143.

3. While the only paragraph I've ever found describing our 14x honors seminars is very broad, including things like discussing philosophy and current events from a CS perspective, I think as part of 3QIS we should revamp this just like our courses and draw a closer connection to technology and the computing field. I met with the Honors Program last month by the way, and have some specific ideas, including a different model for a 163 honors section to complement 122 and 123 (I'd skip having one for 121).

Some more on (1): I have strongly urged us in the past -- and can find those impassioned emails for us again -- not to restrict the book choice here. To put it very succinctly, universities can and should study Mein Kampf, what matters is how you do it. We shouldn't intervene just because of the book choice. We have many seminars in the Allen School that have a range of provocative readings -- this is not a smart path to start going down. Nor do we require faculty to be 'experts' -- I teach CSE 480 regularly despite having no formal training in computer ethics. And course evals from prior honors sections (admittedly after the self-selection of who takes them) have not indicated a problem.

I'm not saying I like this provocative move, especially the inherent offensiveness of using 'woke' perjoratively in the title, but I like to be on very solid ground and with consistent policies. Last week's incident was entirely inappropriate in place and manner. Discussing a book with students *in a discussion seminar* is far more nuanced.

--Dan

On Sun, Jan 9, 2022 at 1:48 PM Crystal Eney <ceney@cs.washington.edu> wrote:
Might want to check out the honors reading. This is an email from an honors student. Might get some more emails.

---------- Forwarded message ---------

https://www.amazon.com/dp/1641772069
Link to the book in case you couldn't find it. So much for keeping politics separate, even if this is more discussion based.

On Sun, Jan 9, 2022 at 12:43 PM
Just thought you should see this- in particular you might want to take a look at the assigned reading for the honors section.
---------- Forwarded message ---------
From: **Stuart Reges** <reges@cs.washington.edu>
Date: Sun, Jan 9, 2022 at 12:36 PM
Subject: [143a] [CSE 143] 143 honors section
To: cse143-announce <cse143-announce@cs.washington.edu>

I am offering an honors section this quarter for honors students
taking cse143 and for others who had high grades in CSE142. You can
read about it here:

    https://homes.cs.washington.edu/~reges/honors.shtml

I am asking interested students to fill out this catalyst form by
Tuesday, 1/11, at 10 am:

    https://catalyst.uw.edu/webq/survey/reges/417682

If you are not an honors student, then I would generally be expecting
that you got a grade of 3.6 or higher in CSE142, although I will
consider all students who apply. Even if you have already registered
for the course, please fill out the survey so that I can get an
accurate head count.

--Stuart Reges, Teaching Professor, Computer Science & Engineering
    https://homes.cs.washington.edu/~reges

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Cse143a_wi22 mailing list
Cse143a_wi22@u.washington.edu
http://mailman11.u.washington.edu/mailman/listinfo/cse143a_wi22

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